

United States District Court

for

RECEIVED**Middle District of Alabama**

2008 JUL 25 A 9:28

**Petition for Warrant/Summons and Report for Defendant
Under Pretrial Release Supervision**

Name of Defendant: RICHARD JAMES MARSHALL

Case Number: 2:08cr49-MEF

Name of Releasing Judicial Officer: The Honorable Susan Russ Walker, Chief U.S. Magistrate Judge

Date of Release: April 10, 2008

Original Offense: 18:922(g)(9) Unlawful Transport of a Firearm

Type of Release: Pretrial Release (pending trial)

Date of Next Court Appearance: October 30, 2008

Conditions of Release: Shall not violate any federal, state or local laws, shall report to pretrial services as directed, maintain or actively seek employment; avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the case; do not possess a firearm, destructive device or other dangerous weapon; refrain from excessive use of alcohol; refrain from any use or unlawful possession of narcotic drug and other controlled substances; submit to any method of drug testing required by pretrial services; participate in a drug treatment if deemed advisable by the pretrial officer; refrain from obstructing or attempting to obstruct or tamper with the drug testing; report as soon as possible any contact with law enforcement; refrain from possession of any type of drug paraphernalia and follow all instructions of the supervising probation officer.

Assistant U.S. Attorney: Jerusha AdamsDefense Attorney: Aylia McKee**PETITIONING THE COURT**

- [X] To issue a warrant
[] To issue a summons

The probation officer believes that the defendant has violated the following condition(s) of release:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
Additional condition: 7(p) Refrain from any use or unlawful possession of narcotic drug and other controlled substances.	On May 28, 2008, the defendant submitted a urine specimen which tested "presumptive" positive for cocaine. The defendant denied any use of the substance. The specimen was forwarded to the Scientific Testing Lab for confirmation. Confirmation was received on June 4, 2008, that the specimen was positive for cocaine. On June 10, 2008, I again questioned the defendant about his cocaine use which he continued to deny.
Additional condition: 7(p) Refrain from any use or unlawful possession of narcotic drug and other controlled substances.	On July 11, 2008, the defendant submitted a urine specimen which tested positive for cocaine. The defendant admitted to having used cocaine on approximately July 4, 2008.

Additional condition:
7(q) Submit to any
method of testing
required by the
pretrial services
officer or the
supervising officer for
determining whether
the defendant is
using a prohibited
substance.

The defendant failed to report for drug testing on May 27, 2008, June 16, 2008 and July 15, 2008, without a valid excuse.

Additional condition:
7(r) Participate in a
program of inpatient
or outpatient drug
abuse therapy and
counseling if deemed
advisable by the
pretrial services
office or supervising
officer.

On July 21, 2008, a meeting was held with the defendant and Federal Public Defender Christine Freeman to discuss his violations. At that time, it was determined that the defendant is currently in need of substance abuse treatment. The probation office scheduled an appointment with the Chemical Addictions Program (CAP) for Thursday, July 24, 2008 at 2:00pm. The defendant was to be admitted into the inpatient treatment program. The defendant failed to report for treatment as instructed.

Supervision history of defendant and actions taken by officer: On July 21, 2008, a meeting was held with the defendant and Federal Public Defender Christine Freeman to discuss his violations. At that time, it was determined that the defendant was in need of substance abuse treatment. Therefore, the probation office scheduled an appointment for the defendant to report for inpatient treatment at the Chemical Addictions Program, and then be placed in the Lighthouse of Tallapoosa County outpatient program. The defendant failed to report for drug treatment as scheduled. Therefore, the probation office is requesting that the defendant's pretrial release be revoked.

U.S. Probation Officer Recommendation:

☒ The term of release should be:
☒ revoked.

☐ The conditions of supervision should be modified as follows:

Respectfully submitted,

by /s/ Tamara C. Martin

Tamara C. Martin
U.S. Probation Officer
Date: July 25, 2008

Reviewed and approved: /s/ Sandra G. Wood
Supervising U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other

Signature of Judicial Officer

Date